

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

BARBARA E. VARNER,
Plaintiff,

vs.

COMMONWEALTH OF PENNSYLVANIA,
NINTH JUDICIAL DISTRICT,
CUMBERLAND COUNTY; CUMBERLAND
COUNTY; S. GARETH GRAHAM,
Individually, and JOSEPH
OSENKARSKI, individually,
Defendants.

CIVIL ACTION
NO. 1:CV 01-0725

(JUDGE YVETTE KANE)

Deposition of: HON. GEORGE E. HOFFER

Taken by : Defendant Cumberland County Court

Date : April 4, 2003, 1:46 p.m.

Before : Emily Clark, RMR, Reporter-Notary

Place : Cumberland County Courthouse
One Courthouse Square
Carlisle, Pennsylvania

APPEARANCES:

DEBRA K. WALLET, ESQUIRE
For - Plaintiff

ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS
BY: A. TAYLOR WILLIAMS, ESQUIRE
For - Defendant Commonwealth of Pennsylvania
Ninth Judicial District, Cumberland County

THOMAS, THOMAS & HAFFER
BY: JAMES K. THOMAS, II, ESQUIRE
PAUL J. DELLASEGA, ESQUIRE
For - Defendant Cumberland County

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1 be a genius to see that there was extreme antipathy
2 between these two women, and that was what it was all
3 about. And Barbara Graham mainly wanted to tell me her
4 side of the story about various incidents.

5 Q Did you personally observe any relationship between
6 Barbara Varner and Barbara Graham?

7 A. Relationship?

8 Q Did you ever observe the two of them in the same place?

9 A. No.

10 Q You knew about the, what you've described as antipathy
11 between the two of them because of what people told you?

12 A. Ma'am, I knew about this lawsuit of Ms. Varner's going
13 on. You have the demotion. These people aren't
14 friends.

15 Q Okay. Did you place some restrictions on Ms. Varner
16 with regard to where she could go within the courthouse?

17 A. No.

18 Q Did you call Joe Osenkarski to your courtroom or your
19 chambers and instruct him to tell Ms. Varner that she
20 had some restrictions on where she could go?

21 A. I don't recollect, but I may have said to Joe please ask
22 Ms. Varner to stay out of the stenographers' room till
23 we get that taken care of, till we get our renovations
24 taken care of.

25 Q And you thought it was limited to the stenographers'

1 room?

2 A. I don't understand your question, ma'am.

3 Q To the best of your recollection, what did you tell
4 Mr. Osenkarski to tell Ms. Varner?

5 A. Well, I think you have to understand the situation at
6 the time. Are you interested in that or not?

7 Q Sure.

8 A. At the particular time the old jurors' lounge on the
9 fourth floor of the courthouse used by the lawyers had
10 been used by a judge. The judge had moved out and we
11 were renovating that space for the court stenographers
12 since we had recently lost their space in the old
13 section of the courthouse. So the stenographers all had
14 to be moved into what was then occupied by Juvenile
15 Probation and perhaps some Adult Probation in there,
16 too. Ms. Varner -- excuse me -- Ms. Graham was in this
17 temporary quarters with everyone else.

18 Now, having that understanding I'm ready for your
19 question.

20 Q Okay. And these quarters where the stenographers were,
21 is that on the third floor east wing of the courthouse?

22 A. They were on the third floor at that time, yes,
23 temporarily.

24 Q You told Mr. Osenkarski to relay something to
25 Ms. Varner?

1 A. I may have said something to Joe routinely.

2 Q Well, what was routine about that?

3 A. Well, I may have asked him to have Ms. Varner, whose
4 office was not in this section, anyway, to stay out of
5 there unless we have some exchange between she and
6 Mrs. Graham. I thought it was routine.

7 Q Did you ever restrict any of your other probation
8 officers from entering any part of the courthouse?

9 A. I have not restricted any probation officer at any time
10 other than Gary Graham, whose card we took away.

11 Q So you didn't consider this a restriction on Ms. Varner?

12 A. I did not restrict her movements, ma'am.

13 Q Okay. You told Mr. Osenkowski that she should stay away
14 from the stenographers' area?

15 A. Please stay away from the room where Barbara Graham is
16 working.

17 Q Okay. To the best of your knowledge, did Mr. Osenkowski
18 carry out your instructions?

19 A. Well, I suspect he did, because I got a note from
20 Mrs. Varner that day or the very next day: Put it all
21 in writing. That's what prompted me to have her up to
22 my office.

23 Q Okay.

24 A. I knew we had a problem.

25 MS. WALLET: Well, let me mark now as Deposition